GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:865
ANSWERED ON:28.11.2006
UNDERTRIAL IN JAILS
Bellarmin Shri A.V.;Chowdhury Shri Adhir Ranjan;Singh Shri Uday

Will the Minister of HOME AFFAIRS be pleased to state:

(a) Whether the Supreme Court has asked the Government to intimate the number of prisoners languishing in various jails without any trial;

(b) If so, whether the Government proposes to enforce laws on such agencies which are deliberately ignoring judicial system;

(c) If so, the details in this regard; and

(d) The effective steps taken by the Government to grant bail and dispose the cases against such prisoners who have no means to engage any lawyers in the court?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO HODLYA GAVIT)

(a) : No such direction has been received in the Ministry of Home Affairs from the Supreme Court .

(b)&(c) : Does not arise .

(d) : In 2005, the Code of Criminal Procedure Act 1973 (Cr. P.C.) was amended to include the following provisions:

(i) A new section viz 436 A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

(ii) Section 436(1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused of a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.